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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/578,779	05/25/2000	DR. RICHARD HAYTON	CTX-049	5819

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EXAMINER

MEKY, MOUSTAFA M

ART UNIT	PAPER NUMBER
2157	8

DATE MAILED: 12/03/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Applicati n N .

09/578,779

Applicant(s)

HAYTON

Examin r

Moustafa M Meky

Art Unit

2157

-- The MAILING DATE f this c mmunication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 September 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 and 27-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3,5-16,19-21,27-29,32 and 33 is/are rejected.
- 7) ☒ Claim(s) 4,17,18,30 and 31 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____. 6) ☐ Other: _____

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1. The amendment filed 9/12/2003 has been entered and considered by the examiner.
2. Claims 1-21 & 27-33 are presenting for examination.
3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371© of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

4. Claims 1-3, 5-10, 14-16, 19-21, 27-29, 32-33 are rejected under 35 U.S.C. 102(e) as being anticipated by Ismail (US Pat. No. 6,104,705).
5. As to claims 1 & 7, Ismail shows in Fig 1, a method for managing network resources (such as the bandwidth for clients 200), see col 4, lines 61-67, col 5, lines 1-2, the method comprising the steps of:

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* allocating at least one resource (bandwidth) on a server 100 to the provision of a service to a user of the client 200, see col 1, lines 58-61;

* monitoring activity of a user at the client 200 to detect a change in the user's activity, see the abstract, lines 7-9, col 2, lines 1-2, col 3, lines 18-24, col 4, lines 33-36, col 5, lines 10-20;

* transmitting from the client 200 a notification of change in activity level to the server 200, see the abstract, lines 7-9, col 2, lines 1-2, col 3, lines 18-24, col 4, lines 33-36; and

* reversibly reducing the allocated resource (bandwidth) in response to the notification, see the abstract, line 14, col 4, lines 46-51, col 5, lines 28-58. Also, see col 6, lines 12-31, lines 58-67, col 7 & col 8.

6. As to claim 2, Ismail shows that the notification of change of activity is in response to user inactivity, see col 3, lines 18-24, col 4, lines 30-32.

7. As to claim 3, Ismail shows that storing the state of the allocated resource (bandwidth) such that the resumption occurs at substantially in response of subsequent notification of change of activity, see col 5, lines 28-58.

8. As to claims 5-6, transmitting from the server 100 a predefined display to the client 200, see col 4, lines 46-52.

9. As to claim 8, Ismail shows transmitting from the client 200 a second notification to the server 100, and increasing the allocated resource (bandwidth), see the abstract, line 14, col 4, lines 46-50.

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10. As to claims 9-10, Ismail shows that the allocated resource is the bandwidth and the step of reducing the allocated bandwidth, see col 4, lines 46-51, col 5, lines 28-58.

11. As to claims 14-16, 19-21, 27-29, 32-33, the claims are similar in scope to claims 1-3 & 5-10, and they are rejected under the same rationale.

Therefore, it can be seen from paragraphs 5-11 that Ismail anticipates claims 1-3, 5-10, 14-16, 19-21, 27-29, 32-33.

12. Claims 1-3 & 5-16, 19-21, 27-29, 32-33 are rejected under 35 U.S.C. 102(e) as being anticipated by Chmielewski (US Pat. NO. 6,330,607).

13. As to claims 1-3 & 5-13, Chmielewski shows in Fig 3, a method for managing network resources. Chmielewski teaches the limitations of allocating at least one resource(s) on a server, monitoring activity of a user at a client, transmitting activity notification to the server, and reducing the allocated resource, see the abstract, lines 9-10, col 2, lines 1-9, col 4, lines 27-30, lines 42-45, col 5, lines 13-14, lines 30-35.

14. As to claims 14-16, 19-21, 27-29, 32-33, the claims are similar in scope to claims 1-3, 5-13, and they are rejected under the same rationale.

Therefore, it can be seen from paragraphs 13-14 that Chmielewski anticipates claims 1-3 & 5-16, 19-21, 27-29, 32-33.

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15. Claims 4, 17-18, 30-31 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

15.1. The prior art of record does not teach:

* terminating transmission of output data to client, storing the data, and transmitting the data in response to a subsequent notification of change of activity, see claim 4;

* the server stores output data generated by an application in a first storage buffer in response to notification, see claims 17 & 30.

16 Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

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17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Moustafa M. Meky whose telephone number is (703) 305-9697. The examiner can normally be reached on week days from 8:30 am to 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne, can be reached on (703) 308-7562. The fax phone number for this Group is (703) 308-9052.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-9600. The fax number for official correspondence/amendment is (703) 872-9306.

M.M.M

November 23, 2003



MOUSTAFA M. MEKY
PRIMARY EXAMINER